

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-169 (JNE/TNL)

Plaintiff,

v.

ORDER

Kristopher Raphael Owens,

Defendant.

This matter comes before the Court on Defendant Kristopher Raphael Owens's Motion for Extension of Time to File Motions, ECF No. 16. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 18.

Defendant states that there have been difficulties at the facility where he is currently confined with receipt of "a flash drive with the disclosed evidence" for his review and additional time is needed for him "to receive and review the evidence and discuss that evidence with defense counsel." ECF No. 16 at 1. Defendant seeks an extension of the deadline to file pretrial motions from July 5 to August 1, 2023. The Government has no objection to the requested extension.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Extension of Time to File Motions, ECF No. 16, is **GRANTED**.

2. The period of time from **the date of this Order through August 1, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **August 1, 2023**.¹ *See* D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. **Counsel must electronically file a letter on or before August 1, 2023, if no motions will be filed and there is no need for hearing.**

5. All responses to motions must be filed by **August 15, 2023**. *See* D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses must be filed by **August 15, 2023**. *See* D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses must be filed by **August 18, 2023**. *See* D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

¹ The Court notes that, while Defendant's Motion for Extension of Time to File Motions was under advisement, he filed several pretrial motions. *See generally* ECF Nos. 19, 20, 21, 22, 23, 24, 25. Defendant shall have up to and including August 1, 2023, to file any additional motions or amended versions of those filed on July 6, 2023.

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **August 29, 2023, at 1:30 p.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

10. **TRIAL: The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Joan N. Ericksen to confirm the new trial date.**

Dated: July 7, 2023

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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